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Testimony of Rep. Mary Mushinsky in Support of HB 5888, AAC Reimbursement for
Municipal Phosphorus Abatement

Before the Environment Committee

February 27, 2015

I offer qualified support for the bill, but seek specific language changes to the funding formula (attachment) and recommend merger of bills HB 5291, HB 5888 and SB 577, with changes to the study in Sec. 3 of HB 5291.

Wallingford is one of the towns facing a large expenditure (estimated by the town at \$15 to 19 million) for removal of phosphorous from effluent. Ironically, Wallingford (and other towns) *adds* phosphorous to drinking water to fight pipe corrosion. So the taxpayer is paying to *add* phosphorous to water, and the taxpayer is paying to *remove* phosphorus.

To promote better solutions to this technical problem, I worked with CT DEEP and my colleagues to offer more generous funding for towns who came forward early with innovative technology to reduce phosphorous. This was the intent of increasing grants in PA 13-239 and PA 14-13. By this measure, the adjoining town of Cheshire should have won the more generous grant as that town took the lead with innovation, but they received a rejection letter. My town also received a rejection letter.

The language should be rewritten to reward innovation to reduce phosphorus—without the specific date of July 1, 2018. Language I have attached to this testimony would qualify additional towns, including Wallingford, for the 50% funding.

If the committee merges the three phosphorus bills, Section 3 of HB 5291 needs work. It adds USGS as the only scientific advisor to yet another Quinnipiac River study, but fails to specify solving what is a biological puzzle. The problem with phosphorus in the Quinnipiac River is biological: excess amounts of phosphorous are creating algae blooms and deteriorating water quality. Water pollution limits public use of this resource.

In the Clean Water Act required report to Congress, the Quinnipiac River and Hanover Pond in Meriden are impaired for public recreation and aquatic life. If another study is to be done for the Quinnipiac River, there needs to be funding for DEEP to hire the team, which should include a scientist with knowledge of the phosphorus threshold creating algae blooms in this river system. Otherwise, all we will accomplish is an additional study that delays action towards clean water, which is required by federal and state law.

Attachment:

Suggested language (per my request to DEEP technical staff) makes 2 changes:

- 1) makes phosphorus funding available to those municipalities needing to do more than chemical addition, requiring the more costly treatment for phosphorus removal. Additional funding makes sense in these circumstances.
- 2) extends the date another 2 years for communities to enter into a construction contract. Both Public Acts 13-239 and 14-13 required a construction contract to be entered into by July 1, 2018.

The list of municipalities positively affected are: Vernon, Waterbury, New Canaan, Wallingford, Plainville, Torrington, and Naugatuck. Cheshire has already entered into a construction funding agreement prior to the effective date of the various funding acts. Manchester recently completed a plant upgrade including phosphorus reduction so they would be ineligible for additional funds retroactively. Bristol, Danbury, Meriden, Southington and Ridgefield were covered under PA 13-239 or 14-13 for 50% grants for the phosphorus related elements.

Section 22a-478(c) currently provides:

(c) The funding of an eligible water quality project shall be pursuant to a project funding agreement between the state, acting by and through the commissioner, and the municipality undertaking such project and shall be evidenced by a project fund obligation or grant account loan obligation, or both, or an interim funding obligation of such municipality issued in accordance with section 22a-479. A project funding agreement shall be in a form prescribed by the commissioner. Eligible water quality projects shall be funded as follows:....

NEW SUBPARAGRAPH (6)(B) If a municipality is operating under a discharge permit issued by the commissioner, pursuant to section 22a-430, with an average monthly effluent total phosphorus concentration limit at or below sixty-two one-hundreds milligrams per liter, any construction contract entered into on or before July 1, 2020 by such municipality to comply with such average monthly effluent total phosphorus concentration limit that is eligible for financing as a phosphorus removal project shall receive (i) notwithstanding subdivision (3) of this subsection, a project grant of fifty per cent of the cost of the project associated with phosphorus removal; (ii) a project grant of thirty per cent of the cost of the project associated with the removal of nutrients other than phosphorus; (iii) a twenty per cent grant for the balance of the cost of the project not related to nutrient removal; and (iv) a loan for the remainder of the costs of the project, not exceeding one hundred per cent of the eligible water quality project costs.